

# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, NOVEMBER 14, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**                    *P*                    *P*                    *P*                    *P*                    *P*                    *A*                    *P*  
*Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*  
*(Commissioner Horgan had an excused absence)*

### AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF NOVEMBER 14, 2006, BY THE FOLLOWING VOTE:

AYES:                    Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Dwyer  
NOES:                    None  
ABSENT:                Horgan  
ABSTAIN:               None

### MOTION APPROVED

#### **A.    PROJECT REVIEW (FUTURE AGENDA ITEMS):**

##### **A-1.    ZONING TEXT AMENDMENT NO. 06-02 (DENSITY BONUS AMENDMENT – Continued from September 12, 2006) – Rosemary Medel**

Rosemary Medel, Associate Planner, gave an overview of the amendment and its impacts.

Chair Dingwall voiced concern over the resale of affordable housing units and potential monetary loss to the City.

##### **A-2.    CONDITIONAL USE PERMIT NO. 06-23 (HUNTINGTON BEACH BEER COMPANY – Continued from October 10, 2006) – Rami Talleh**

Scott Hess, Acting Director of Planning, reviewed the changes to the site plan.

Commissioner Livengood questioned the Fire Code requirements and entryway to the restroom facilities.

##### **A-3.    ZONING TEXT AMENDMENT NO. 06-05 (LARGE FAMILY DAY CARE) – Jennifer Villasenor**

Jennifer Villasenor, Associate Planner, reviewed the amendment which involved permit fee changes.

**A-4. ZONING TEXT AMENDMENT NO. 06-07 (AMENDING CHAPTER 231 OFF-STREET PARKING AND LOADING PROVISIONS) – Rosemary Medel**

Rosemary Medel, Associate Planner, summarized the amendment and Public Works approval requirements.

Commissioner Dwyer asked if current entry gates would be subject to the new amendment. Medel advised they would not.

**B. STUDY SESSION ITEMS:**

**B-1. CONDITIONS OF APPROVAL – Scott Hess/Leonie Mulvihill**

Leonie Mulvihill, Senior Deputy City Attorney, gave a Powerpoint presentation of the Conditions of Approval process.

Discussion ensued between staff and Commissioners regarding Planning Commission impacts on project approvals and zoning codes.

**B-2. FINDINGS OF APPROVAL – Scott Hess/Leonie Mulvihill**

Leonie Mulvihill, Senior Deputy City Attorney, and Scott Hess, Acting Director of Planning reviewed the Findings of Approval process.

**B-3. LATE COMMUNICATIONS – NONE.**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE**

**D. PLANNING COMMISSION COMMITTEE REPORTS - NONE**

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE**

**F. PLANNING COMMISSION COMMENTS:**

Commissioner Shier-Burnett requested information on Conditional Use Permit hours of operation requirements.

Chair Dingwall reported that he represented the Planning Commission at the November 6, 2006, City Council meeting regarding the appeal of the Ponderosa Steakhouse Conditional Use Permit.

**6:35 P.M. – RECESS FOR DINNER**

**7:15 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Chair Dingwall

**ROLL CALL:**            *P*            *P*            *P*            *P*            *P*            *A*            *P*  
*Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

## **AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION AGENDA OF NOVEMBER 14, 2006, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Dwyer  
**NOES:** None  
**ABSENT:** Horgan  
**ABSTAIN:** None

## **MOTION APPROVED**

### **A. ORAL COMMUNICATIONS - NONE**

### **B. PUBLIC HEARING ITEMS:**

- B-1. ZONING TEXT AMENDMENT NO. 06-02 (DENSITY BONUS AMENDMENT – Continued from September 12, 2006) Applicant:** City of Huntington Beach.  
**Request:** To amend Huntington Beach Zoning and Subdivision Ordinance, Section 230.14 Affordable Housing Incentives/Density Bonus, to comply with state mandated changes pursuant to Senate Bills 1818 and 435. The existing ordinance allows for up to a 25% density bonus when housing projects restrict 10-20% of the units as affordable or 50% for seniors. The proposed ordinance reduces the number and affordability of the units that must be restricted to qualify for a density bonus. Consistent with the new law, the proposed ordinance includes other provisions regarding incentives, concessions, waiver of development standards and child care facilities. **Location:** Citywide Residential Districts/Mixed Use Zoning. **Project Planner:** Rosemary Medel

**STAFF RECOMMENDATION:** Motion to “Approve Zoning Text Amendment No. 06-02 with findings for approval and forward Draft Ordinance including the legislative draft to the City Council for adoption.”

Rosemary Medel, Associate Planner, gave an overview of the Density new state law and the necessity of the city zoning code amendment in order to be consistent with state law.

Commissioner Dwyer voiced his approval of the law and stated it is beneficial for small developments.

Chair Dingwall stated he is in opposition to the new law and felt it would change R-1 Zoning negatively. He voiced concern that the city would lose money if the property values drop.

Scott Hess, Acting Director of Planning, clarified that the law is a density bonus for developers not a housing project.

**THE PUBLIC HEARING WAS OPENED**

**WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

**A MOTION WAS MADE BY LIVENGOD, SECONDED BY SCANDURA TO APPROVE ZONING TEXT AMENDMENT 06-02 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE, INCLUDING THE LEGISLATIVE DRAFT TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Farley, Dwyer  
**NOES:** Dingwall  
**ABSENT:** Horgan  
**ABSTAIN:** None

**MOTION APPROVED**

**FINDINGS FOR APPROVAL**

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-02:**

1. Zoning Text Amendment No. 06-02, to amend Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Site Standards, Section 230.14 Affordable Housing Incentive/Density Bonus is consistent with the objectives, policies, general land uses and programs specified in the General Plan and various specific plans because the proposed amendments would bring the City's Zoning Code in conformance with the State mandated changes to density bonus law and further facilitate the development of affordable housing.
2. The proposed zoning text amendment is compatible with the uses authorized in, and the standards prescribed for the various residential and mixed use zoning districts because the proposed density bonus ordinance does not change the types of permitted uses, i.e. residential, and requires that any concessions or incentives not result in any significant adverse impacts.
3. A community need is demonstrated for the proposed change in the City's Density Bonus provisions in that incentives for affordable housing would be provided consistent with the priorities identified by the State of California. In addition, the density bonus law amendment would provide additional tools to achieve affordable housing at various income levels through increased incentives and concessions available to housing developers.
4. The adoption of this amendment is in conformance with the public convenience, general welfare and acceptable zoning practices, because although a waiver of development standards is offered, the development of density bonus units would generally comply with the development standards for the zone and the City's ordinance would be consistent with the new State law.

**B-2. CONDITIONAL USE PERMIT NO. 06-23 (HUNTINGTON BEACH BEER COMPANY – Continued from October 10, 2006)** **Applicant:** Mike C. Adams and Associates **Request:** To allow the establishment of a 100 sq. ft. dance floor, modified hours of operation and construction of a 224 sq. ft. outdoor dining area with alcohol sales within the public right-of-way. The project also includes a request to participate in the Downtown Parking In-Lieu Fee program for two parking spaces (one parking space for the dance floor and replacing one on-street parking space with outdoor dining). **Location:** 201 Main Street, Suite E **Project Planner:** Rami Talleh

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 06-23 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett advised she has visited the site and spoken with Chief Small.
- Commissioner Livengood visited the site.
- Commissioner Scandura visited the site.
- Chair Dingwall stated he visited the site.
- Commissioner Farley visited the site.
- Commissioner Dwyer visited the site.

Rami Talleh, Associate Planner, gave a Powerpoint presentation of the changes to the original site plan.

Commissioner Shier-Burnett voiced her concern regarding diner safety due to the proximity of the proposed outdoor dining to the street. She suggested parking bollards be installed to prevent accidents and also asked if the tree at the location would be removed. Talleh advised the tree would be relocated.

Commissioner Livengood questioned if the location of the emergency exits meet fire code requirements.

Eric Engberg, Fire Marshall, stated that the gate and exit door placement would be required to meet fire codes. He added there may be a possibility of removing the gate.

Commissioner Scandura voiced his concern with an employee policing the outdoor dining area.

Commissioner Farley asked staff if the outdoor furniture would be removed at a specific time and if there is a designated area to store the furniture. Talleh advised the furniture will be removed when outdoor dining ceases and there is a storage area available.

Discussion ensued regarding the tree removal, bollards, and pedestrian walkway requirement.

**THE PUBLIC HEARING WAS OPENED**

Mike Adams, Consultant for the applicant, thanked the Planning Commission for continuing the item and addressed the bollard issue. He suggested fence supports that would serve as bollards. The fencing would be filled with concrete and attached to an impact resistant fence. Adams stated he would work with the Public Works Department to determine the appropriate type of posts to absorb vehicle impact. Adams stated there is no problem eliminating the gate if necessary.

Commissioner Scandura questioned the issue of outside security or an employee presence at all times the outdoor dining is open.

Caesar Pena, applicant, will have security present during evening hours while there is live entertainment and an employee present for the outdoor dining area.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Scandura and Shier-Burnett requested a condition be added stating a constant employee presence while outdoor dining is open.

Discussion ensued between Commissioners and staff regarding employee presence, security and bollard placement.

Farley stated that he will not support the project as he does not agree with the loss of parking and feels that other upstairs restaurants on Main Street will attempt to incorporate downstairs dining in the future which would create crowding on the sidewalk.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT TO APPROVE CONDITIONAL USE PERMIT NO. 06-23 REVISED FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Dwyer  
**NOES:** Farley  
**ABSENT:** Horgan  
**ABSTAIN:** None

**MOTION APPROVED**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 06-23**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-23:**

1. Conditional Use Permit No. 06-23 to permit dancing in a designated area within the restaurant totaling 100 square feet of dance floor area, expand the hours of operation to between 11:00 a.m. and 2:00 a.m. Monday thru Friday and between 7:00 a.m. to 2:00 a.m. Saturday and Sunday and live entertainment to between 6:00 p.m. and 1:00 a.m. daily, establish an outdoor dining area with alcohol service within the public right-of-way removing one existing on-street parking, and participate in the Downtown Parking In-Lieu Fee program for two additional parking spaces will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed uses will not create adverse noise or parking impacts to the surrounding businesses and residents based on the restrictions on hours of operation and the conditions of approval regulating noise generation in the entertainment permit. The proposed dance floor is ancillary to that of the restaurant operation. The outdoor dining area will be separated from the adjoining sidewalk by a 36-inch high barrier to protect pedestrians and to prevent the outdoor dining areas and alcohol service from expanding beyond the approved area. In addition, the availability of a variety parking opportunities currently exist along Main Street and surrounding streets as well as within public parking structures in proximity to the subject site.

2. The conditional use permit will be compatible with surrounding uses. The live entertainment and dance floor will be located within the restaurant and will be required to comply with conditions of approval imposed by the Planning Commission and monitored by the Police Department to assure impacts to surrounding properties are minimized. In addition, the proposed use would not result in noise impacts based on the mixed-use character of commercial developments in the downtown. The outdoor dining area will enhance the pedestrian character and scale of the street scene surrounding the project. The removal of one parking space is consistent with other projects within the same block that involved constructing outdoor dining within the public right-of-ways.
3. The proposed restaurant will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed use will comply with parking in the Downtown Parking Master Plan and will be accommodated through payment of parking in-lieu fees based on the size of the proposed dance floor. There is no physical expansion of the restaurant except for the outdoor dining area, which complies with all applicable development standards including sidewalk widths and separation from pedestrian walkways.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Policy LU 15.2.2(a) Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed dancing in association with existing live entertainment and amended hours of operation will allow the establishment to expand on its services to its patrons and surrounding residents. The proposal also provides visitors and tourists an additional activity consistent with other similar businesses within the primary commercial Downtown core. The project is located in a mixed-use district of the downtown area and within walking distance of several downtown parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining area is designed to provide the minimum required eight ft. wide sidewalk to ensure that the area is physically accessible to pedestrians consistent with the remainder of the second block of Main Street. The removal of one on-street parking space for the construction of outdoor dining will promote pedestrian activity as envisioned by the Downtown Specific Plan.

**B. Coastal Element**

**Policy C 3.2.3** Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

**LCP/DTSP** Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed dancing in association with existing live entertainment and the amended hours of operation increases the commercial viability of the existing restaurant use allowing for its continued success within the Downtown and expands its available amenities to its patrons. The proposed outdoor dining will create a more lively pedestrian oriented use consistent with the other restaurant uses with outdoor dining along Main Street. The removal of one on-street parking space for the construction of outdoor dining will promote a lively, active commercial district at the street level. The provision of parking by participation in the In-Lieu Fee Program will not impact the Downtown Parking Master Plan, Downtown Specific Plan, or coastal resources because it is consistent with the adopted Coastal Element.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-23:**

1. The site plan received and dated October 20, 2006 and floor plan received and dated October 27, 2006, shall be the conceptually approved design with the following modifications:
  - a. The existing palm tree adjacent to the outdoor dining area shall be removed to provide a minimum eight-foot wide walkway and relocated to an area approved by the Public Works Department.
  - b. A minimum eight-foot wide walkway free from any obstruction shall be provided between the adjacent parking space (not including the two-foot vehicle overhang) and outdoor dining area.
  - c. Impact resistance posts shall be incorporated into the outdoor dining railing. Final design of the railing shall be subject to review and approval by the Planning Department and Public Works Department.
2. Prior to commencing of the outdoor dining and dancing, the following shall be provided:
  - a. A copy of an approved Entertainment Permit, as issued by the Police Department, shall be submitted to the Planning Department.
  - b. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
  - c. The property owner shall submit to the Planning Department an In-Lieu Parking Fee Participation Agreement for the current in-lieu parking fee amount as adopted by City Council Resolution for one parking space. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

- d. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full lump sum or first installment payment to the City Treasurer shall be submitted to the Planning Department.
  - e. The applicant shall coordinate with the Planning Department and Public Works Department to relocate the newspaper racks in front of the entrance to restaurant/microbrewery.
3. Prior to issuance of an encroachment permit for construction within the public right-of-way, the following shall be complied with:
- a. A License Agreement including all applicable fees and payment for funding of a code enforcement officer, as approved by the City Council, shall be obtained from the City for outdoor dining located on public property. The License Agreement shall be subject to termination pursuant to the terms of the License Agreement.
  - b. The applicant shall provide a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved by the Planning Commission for the outdoor dining with alcohol service. Said agreement shall be submitted to and approved by the Department of Public Works prior to commencement of the use.
  - c. The applicant shall provide a public liability insurance policy as specified in all current insurance resolutions within 60 days from this approval (January 14, 2006). Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
4. The use shall comply with the following:
- a. The hours of operation for the restaurant (second floor dining area and terraces) shall be limited to between 11:00 a.m. and 2:00 a.m. Monday through Friday and between 7:00 a.m. and 2:00 a.m. Saturday, Sunday, and holidays.
  - b. The hours for operation for the outdoor dining area shall be limited to between 11:00 a.m. and 9:00 p.m. Monday through Friday and between 7:00 a.m. and 9:00 p.m. Saturday, Sunday, and holidays.
  - c. The operating hours for live entertainment shall be limited to between 6:00 p.m. and 1:00 a.m. daily.
  - d. The operating hours for dancing shall be limited to between 9:00 p.m. and 1:00 a.m. Thursday through Sunday.
  - e. All conditions of the Entertainment Permit as approved by the Police Department.
  - f. All conditions of approval under Conditional Use Permit No. 92-13 with the exception of Condition 2 which limits hours of operation and Conditional Use permit No. 99-55 shall remain in effect.
  - g. The outdoor dining area shall be physically supervised by a staff member when customers are present.

- h. Wireless communication shall be provided between staff members located within the outdoor dining area and the on-site manager.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**B-3. ZONING TEXT AMENDMENT NO. 06-05 (LARGE FAMILY DAY CARE):**

**Applicant:** City of Huntington Beach. **Request:** To amend Chapter 210, Residential Districts, of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow large family day care uses in residential zoning districts with an Administrative Permit and Neighborhood Notification (300-foot radius) with no applicable filing fee or required architectural plans. **Location:** Citywide.  
**Project Planner:** Jennifer Villasenor

**STAFF RECOMMENDATION:** Motion to "Approve Zoning Text Amendment No. 06-05 with findings for approval and forward Draft Ordinance, including the legislative draft to the City Council for adoption."

**The Commission made the following disclosures:**

- Commissioner Shier-Burnett advised she discussed the issue with staff and in study session.
- Commissioner Livengood advised he discussed the issue with staff and in study session.
- Commissioner Scandura advised he discussed the issue with staff and in study session.
- Chair Dingwall advised he discussed the issue with staff and in study session.
- Commissioner Dwyer advised he brought the issue to the City Council and discussed the issue in study session.

Jennifer Villasenor, Associate Planner, briefed the Commissioners on the change in permit fees regarding large family daycares within the city.

Dwyer asked if the Fire Department would still conduct an inspection of the residence requesting the daycare permit. Engberg advised the City Fire Department and the State would inspect the property.

**THE PUBLIC HEARING WAS OPENED**

Roseann Andrus, Orange County United Way, commended the City of Huntington Beach's efforts in amending the zoning code in order to allow for more daycare in the city. She stressed how vital daycare is and recognized Councilmember Cathy Greene for her efforts.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

**A MOTION WAS MADE BY DWYER, SECONDED BY BURNETT TO APPROVE ZONING TEXT AMENDMENT 06-05 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE, INCLUDING THE LEGISLATIVE DRAFT, TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:**

**AYES: Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Dwyer**  
**NOES: None**  
**ABSENT: Horgan**  
**ABSTAIN: None**

**MOTION APPROVED**

**FINDINGS FOR APPROVAL**

**ZONING TEXT AMENDMENT NO. 06-05**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves amendments to the HBZSO Plan that do not change the density of the affected project areas.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-05:**

1. Zoning Text Amendment No. 06-05 to permit large family day care uses with a no-fee administrative permit is consistent with the goals, objectives and policies of the General Plan. The General Plan Land Use Element calls for the inclusion of service uses that support the resident needs within residential neighborhoods. Elimination of the CUP requirement for large family day cares will create more opportunities for large family day care operators to offer childcare services in the City that may have been deterred in the past due to the costly CUP application fees. ZTA No. 06-05 provides for the further accommodation of community-serving uses in residential neighborhoods as stated in the policies of the General Plan Land Use Element.
2. In the case of general land use provisions, the zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. ZTA No. 06-05 proposes to amend Chapter 210.04 of the HBZSO by eliminating the CUP requirement for large family day cares and instead requiring a no-fee administrative permit. This will allow for a planning review and approval but does not place the burden of expensive entitlement fees on a potential childcare provider. ZTA No. 06-05 does not propose to change existing land use designations and is consistent with the uses permitted in Chapter 210.04 of the HBZSO in that large family day cares will still be permitted in residential zoning districts but will no longer require a CUP in order to obtain approval.

3. A community need is demonstrated for the proposed zoning text amendment. The City of Huntington Beach has one of the highest zoning entitlement fees for large family day care homes in Orange County. There is also a need for more childcare services in the City. ZTA No. 06-05 proposes to eliminate the CUP requirement and implement a no-fee administrative permit, thereby reducing the costly entitlement fees and shortening the application processing time. The simplified process will allow potential childcare providers to better serve the needs of the community.
4. The adoption of ZTA No. 06-05 will be in conformity with public convenience, general welfare and good zoning practice. ZTA No. 06-05 will lessen the land use controls for large family day care uses and make it easier for operators to obtain approvals. The proposed zoning text amendment will enable childcare providers to obtain permits with less restrictions but still allow for planning approval to ensure that proposed large family day care homes will not significantly impact the surrounding properties and be compatible with the adjacent residential uses.

**B-4. ZONING TEXT AMENDMENT NO. 06-07 (AMENDING CHAPTER 231 OFF-STREET PARKING AND LOADING PROVISIONS):** **Applicant:** City of Huntington Beach **Request:** To amend Chapter 231, Off-Street Parking and Loading Provisions, of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to require Public Work's approval of Privacy Gates (Section 231.18 D.8.) and Parking Controls (Section 231.18 E.2.) and to require bicycle parking for non-residential uses, multi-family residential uses and amend the design standard (Section 231.20 1a., 1b., 2) Bicycle Parking. **Location:** Citywide. **Project Planner:** Rosemary Medel

**STAFF RECOMMENDATION:** Motion to "Approve Zoning Text Amendment No. 06-07 with findings for approval and forward Draft Ordinance, including the legislative draft to the City Council for adoption."

Rosemary Medel, Associate Planner, reviewed the changes to the Zoning and Subdivision Ordinance explaining the new requirement of Public Works approval for privacy gates, parking controls and bicycle parking.

Dwyer asked if privacy gates currently in place would be affected. Medel advised that those types of gates would be grandfathered into the amendment.

**THE PUBLIC HEARING WAS OPENED**

**WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

**A MOTION WAS MADE BY FARLEY, SECONDED BY SCANDURA TO APPROVE ZONING TEXT AMENDMENT 06-07 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE, INCLUDING THE LEGISLATIVE DRAFT, TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Dwyer  
**NOES:** None  
**ABSENT:** Horgan  
**ABSTAIN:** None

**MOTION APPROVED**

**FINDINGS FOR APPROVAL**

**ZONING TEXT AMENDMENT NO. 06-07**

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-07:**

1. Zoning Text Amendment No. 06-07 incorporates previously approved text correcting Sections 231.18 and 231.20 of Chapter 231 Off Street Parking and Loading Provisions to create consistency with the goals, objectives and policies of the General Plan. The City Council identified a need to require bicycle parking within new developments to encourage the use of bicycles and provide a secure means of storage. The text added to Section 231.18 also requires the review by the Public Works Department prior to final approval for privacy gates ensuring that such approvals are compatible with vehicle stacking and location of the gates.
2. In the case of the general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for in the zoning district for which it is proposed because bicycle parking storage was adopted during the permit streamlining process for both residential and commercial development to encourage alternative transportation and provide for adequate storage. The amendment to Section 231.20 incorporates the City Council's approved bicycle language. Section 231.18 adds the review by the Public Works Department for the location and stacking of vehicles.
4. A community need is demonstrated for the change proposed as the proposed amendment corrects what was previously approved and identified by City Council as a need to have onsite bicycle parking to encourage alternative transportation methods.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the Circulation Element of the General Plan speaks to Bicycle Facilities, acknowledging the needs of the community and bicycle enthusiasts by providing for numerous bicycle facilities throughout the City. Adding further review by Public Works Department for privacy gates will also ensure that the addition of privacy gates does not adversely impact surrounding properties creating a traffic hazard.

**C. CONSENT CALENDAR:**

**C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 12, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the September 12, 2006, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOD, SECONDED BY SCANDURA, TO APPROVE THE SEPTEMBER 12, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall  
**NOES:** None  
**ABSENT:** Horgan  
**ABSTAIN:** Dwyer, Farley

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**Scott Hess, Acting Planning Director** - reported on the items from the previous City Council meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Scott Hess, Acting Planning Director** - reported on the items scheduled for the next City Council meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Scott Hess, Acting Planning Director** - reported on the items scheduled for the next Planning Commission meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Shier-Burnett – Conveyed get well wishes to Commissioner Horgan.

Commissioner Livengood – Sent get well wishes to Commissioner Horgan and stated that the recent ethics course he attended contained some excellent information and suggested it be provided in all new commissioner packets.

Vice-Chairperson Scandura – Wished Commissioner Horgan well and thanked Chair Dingwall for all his work on the Planning Commission.

Chairperson Dingwall – Reminded everyone that the holidays are on the way and to remember to volunteer to help the 3/1 Marines.

Commissioner Farley – Gave his best wishes to Herb Fauland and his family due to their recent loss.

Commissioner Horgan – Absent.

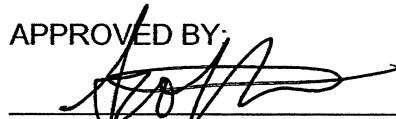
Commissioner Dwyer – Read the Community Services newsletter item regarding the Senior Santa Program and urged residents to donate needed goods.

**ADJOURNMENT:**

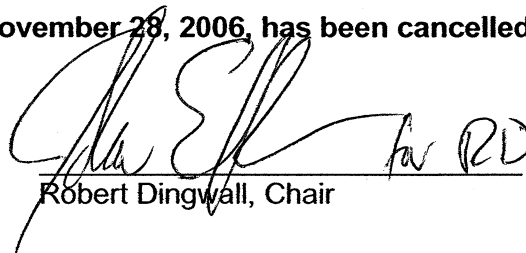
**Adjourned at 8:45 p.m. to the Holiday Celebration at King's Fish House, Bella Terra Mall, at 6:00 p.m. on Tuesday, December 12, 2006.**

**NOTE: The regularly scheduled meeting of November 28, 2006, has been cancelled.**

APPROVED BY:



Scott Hess, Secretary



Robert Dingwall, Chair